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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,230	03/26/2001	Koji Nakamura	NEC01P015-ts	5805
30743	7590	06/24/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			LE, KHANH H	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,230

Applicant(s)

NAKAMURA, KOJI

Examiner

Khanh H. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/23-26/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/26/05 has been entered.

The amended drawings and claims have been entered. Claims 1-45 are canceled, new claims 46-55 are pending. Claim 46 is independent.

Drawings

2. Previous Objections are withdrawn with the submission of amended Figure 1.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. All previous rejections under 35 U.S.C. 112, second paragraph, are withdrawn as moot.

5. **Claims 46-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

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In claim 46, “receiving a request to enter a page in which a bulletin board is sent from the customer using a client via the network to the server” is confusing. It is not clear how a bulletin board can be sent from the customer. Because of the substantial uncertainty in the claim language, the phrase “which a bulletin board is sent” is ignored for prior art application purposes. Claim 47 has similar confusing language. Appropriate correction is required.

Response to Arguments

6. Applicants’ arguments have been carefully reviewed. Lesandrini is withdrawn as reference. Due to the amendments, the previous art rejections under 35 USC 103 are withdrawn and replaced by rejections other rejections using Barney. It is noted first that all previously Officially Noted facts, that have not been challenged are taken as admitted. MPEP 2144.03.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 46-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiegel et al, US 6466918, in view of ” Snap to the Possibilities’ Contest Launches at Snap.com.”**

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PR Newswire, p3777, June 7, 1999, DIALOG(R)File 621, Record # 01891596, herein Snap.com, and further in view of Barney et al, US 6,556,992, herein Barney.

As to claim 46, Spiegel discloses

A method of attracting customers in a bulletin

board supplied from a server connected to a plurality of clients via a network, said server including an article database and a customer information database, customers contributing articles (reviews) to the article database and also evaluating articles in the article database, the method comprising the steps of:

receiving a request to enter a page sent

from the customer using a client via the network to the server;

transmitting by the server data of existing article headers to the

client of the requesting customer (books categories) ;

displaying at the client of the requesting customer a list of article

titles and headlines (list of books per category) ;

when the requesting customer at the client selects an article to be

read from the list displayed, acquiring by the server details of the selected

article among articles stored in the article database and transmitting

acquired details together with a bulletin board display form to the client of

the requesting customer, said bulletin board display form having buttons to

be used by customers to vote for and against the article (voting on particular books by clicking) ;

when a customer votes for or against the displayed article, adding

one vote for or against the article (book category) to a vote counter for the article

in the article database (see at least Figs. 5 and associated text, items 520, 540)

and adding one vote to a vote number

counter of the customer who has voted, among the customer information

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stored in customer information database (see at least Figs. 5 , item 550 and associated text)

Spiegel does not specifically disclose electronically giving a customer who contributed the displayed article a predetermined benefit depending on an accumulated count of the vote counter for the article.

However , Spiegel discloses a valuable service by offering books or articles for viewing. Further ” Snap.com, in analogous arts, discloses an internet portal service where authors are encouraged to submit and post their articles to be voted on by others. It is implied the votes are counted. To encourage participation, the winning authors of the voting contest get rewards. Snap.com’s purpose is to grow fast as a community based site (see whole article) .

It would have been obvious to one skilled in the art at the time the invention was made to add Snap.com’s method of rewarding the contributors of articles to Spiegel to encourage submission of articles or books for the benefit of the whole community of persons interested in those articles and/or topics as disclosed by Snap.com.

Further Spiegel does not specifically disclose electronically giving a customer who evaluates a plurality of articles in the article database a predetermined benefit depending a number of articles evaluated within a predetermined time period even though Spiegel discloses that voting is good for a period only before being counted.

However Barney discloses, in an Internet environment, rewarding reviewers of articles (patents) based on the quality (veracity/accuracy as viewed by others :see at least col.29 lines 31 to col.30 lines 9; especially col. 29 lines 59-62) and popularity (which is based implicitly on a count of the number of times other users access the reviews :see at least col.29 lines 31 to col.30 lines 9; especially col. 29 lines 63-67) of the articles that they posted.

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It would have been obvious to one skilled in the art at the time the invention was made to add Barney's rewarding of the evaluators to Spiegel to encourage participation of reviewers as taught by Barney.

As to claims 47-48, Spiegel in view of Snap.com and Barney (hereinafter SSB) does not specifically disclose initially acquiring a customer ID and password when a request to enter a page from the customer is received, initially transmitting from the server to the customer client a form for entering a customer ID and password, determining if a customer ID and password have been acquired and, if not, prompting the customer to press an ID registration application button, in response to the ID registration application button being pressed, transmitting from the server to the customer client a form for registering a new customer, receiving by the server new customer information transmitted from the customer client via the network and issuing an ID to the customer.

Official Notice is taken that it is well-known that all the above cited steps are well-known in the art to allow participation of users in on-line transactions and therefore obvious to add to the SSB system to effect the steps disclosed as discussed above.

As to "thereafter, whenever a customer votes for or against an article, correlating the customer with the article in the article database", Spiegel discloses such (see at least Fig. 5, item 550 and associated text).

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As to claims 49, SSB does not specifically disclose a bulletin board page sent by the server to a customer client includes a contribution button, the method further comprising the steps of:

responding to pressing the contribution button by a customer by transmitting by the server via the network to the customer client a contribution form, receiving by the server a contributed article submitted using the contribution form.

However Official Notice is taken that all the above cited steps are well-known and would have been obvious to one skilled in the art to add to the SSB system to effect receiving the articles as taught by Snap.com and practice the method as disclosed by SSB. As to storing the contributed article in the article database, Spiegel discloses such and it's also implied in Snap.com.

As to claims 50, Snap.com discloses giving a customer who contributes an article a predetermined benefit depending on a level of reaction (whether they like) from customers who evaluate the article. It would have been obvious to one skilled in the art at the time the invention was made to add that reward scheme to SSB as a reward calculation method as taught by Snap.com.

As to claim 51, Barney discloses rewards of the reviewers who are also authors of the reviews (articles) as a quantitative value (monetary compensation) depending on a number of answers (popularity based on number) from customers who have evaluated the article. It would have been obvious to one skilled in the art at the time the invention was made to add that reward scheme to SSB as a reward calculation method as taught by Barney.

As to claims 52-53, Spiegel discloses the quantitative value is a multivalued quantitative value method and also totaling quantitative values of over a predetermined period ((see at least Figs.6-10 and associated text)

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as a method to evaluate (analogous to rewarding) an article or category. It would have been obvious to one skilled in the art at the time the invention was made to use the same evaluation methods as disclosed by SPIEGEL to reward the customer who contributed the article.

As to claim 54, SPIEGEL discloses the server provides a plurality of bulletin boards for respective predetermined categories, the method further comprising the step of prompting a customer at a client to select from among said plurality of bulletin boards (see at least Fig. 1A and associated text).

As to claims 55, SSB does not specifically disclose rejecting by the server an evaluation of an article from a customer who has previously evaluated said article.. However Official Notice is taken that it is well-known to reject allow one vote per voter only on any matter to be evaluated, such as in approving a state expenditure, to ensure system fairness. Thus it would have been obvious to one skilled in the art at the time the invention was made to add this feature to the SSB system to ensure fairness of the evaluation system.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

EXCITE: Excite Asks America: Who Excites You? Company Helps to Reunite Long-Lost Relationships Through the Internet, February 09, 1998, DIALOG(R) File 810, Record # 0805971 BW1052, discloses submission of articles by authors who are online portal visitors to be evaluated by the portal and the winners receive a reward.

" The leaders of e-business" by Violino, Bob, Informationweek n765 PP: 62-82

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Dec 13, 1999, DIALOG(R)File 15, Record #01961812 47274370, discloses companies submitting essays regarding their operations and being evaluated with points thereby.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Tuesday-Wednesday 9:00-6:00.

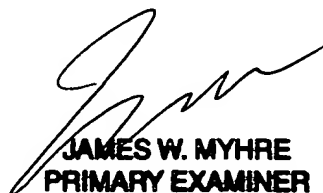
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 15, 2005

KHL

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JAMES W. MYHRE
PRIMARY EXAMINER